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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/791,036

03/02/2004

Eric J. Hull

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EXAMINER

SMITH, SHEILA B

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/791,036

Applicant(s)

HULL ET AL.

Examiner

Sheila B. Smith

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 60-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 60-72 and 74-79 is/are rejected.
- 7) ☐ Claim(s) 73 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 60-72, and 74-79 rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (U. S Patent Number 6,753,842) in view of McLaughlin et al. (U. S. Patent Number 4,975,694)

Regarding claim 60, Williams et al. discloses all of the claimed invention as set forth in the instant application, additionally Williams et al. discloses a mobile electronic communication device (106) comprising: a transceiver (112), a light unit (124), and a processor unit (126) coupled to the transceiver (112) and light unit (124), wherein the processor unit is configured to cause the light unit to output (which reads on column 4 lines 6-13 and exhibited in figure 1). However Williams et al. fails to disclose (a) having a plurality of light sources, (b) output light from a selected one of the light sources to indicate a source of a received message.

In the same field of endeavor McLaughlin et al. discloses a paging receiver variable color indicators. McLaughlin et al. further discloses (a) having a plurality of light sources (which reads on column 2 lines 4-15), (b) output light from a selected one of the light sources to indicate a source of a received message (which reads on column 2 lines 4-15).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Williams et al. by modifying the system and method for

Art Unit: 2617

backlighting control in a wireless communication device with a plurality of light sources as taught by McLaughlin et al. for the purpose of informing the user of the message.

Regarding claim 61, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a mobile electronic communication device is configured to receive messages of two or more types, wherein the processor unit is configured to cause the light unit to output the light with modulation that depends on the received message's type (which reads on column 1 lines 41-49 and column 3 lines 23-35).

Regarding claim 62, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a electronic communication device of claim 60, wherein the selected one of the light sources being lit is associated with a contact, and the message is received from the associated contact (which reads on column 4 lines 1-21).

Regarding claim 63, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a light unit can simultaneously illuminate another light source to indicate that a message has been received from a contact associated with the other light source (which reads on column 3 lines 23-35).

Regarding claim 64, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a the processor unit is configured to cause the light unit to output light with modulation that depends on an age of a message received by the mobile electronic communication device (which reads on column 4 lines 1-21).

Regarding claim 65, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a modulated light has a color that depends on the relative age of a received message (which reads on column 1 lines 41-49).

Regarding claim 66, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a modulated light has a blinking rate that indicates a number of unread messages received from a contact (which reads on column 4 lines 1-21).

Regarding claim 67, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a message is a most recent message received from a contact (which reads on column 3 lines 23-35).

Regarding claim 68, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a message is an unread message received from the contact (which reads on column 4 lines 1-21).

Regarding claim 69, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a relative age is indicated using a plurality of predetermined age categories (which reads on column 1 lines 41-49).

Regarding claim 70, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a age category of the plurality of age categories is represented by a predetermined color of light that can be outputted by the light unit (which reads on column 3 lines 23-35).

Regarding claim 71, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a age category of the plurality of age categories is represented by a predetermined number of light flashes within a cycle (which reads on column 4 lines 1-21).

Regarding claim 72, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a message is a SMS message (which reads on column 3 lines 23-35).

Regarding claim 74, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a light unit comprises an LED circuit having a plurality of LEDS configured to selectively output light having a color selected from a set of a plurality of preselected colors (which reads on column 3 lines 23-35).

Regarding claim 75, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a mobile electronic communication device (106) comprising. a transceiver (112), and means coupled to the transceiver to output light (124) to indicate a source of a received message (which reads on column 3 lines 23-35).

Regarding claim 76, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a mobile electronic communication device is configured to receive messages of two or more types, wherein said means is configured to output light with modulation that depends on the received message's type (which reads on column 1 lines 41-49).

Regarding claim 77, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a means is configured to output light with modulation that depends on an age of a message received by the mobile electronic communication device (which reads on column 4 lines 1-21).

Regarding claim 78, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a output light is associated with a contact, and the message is received from the associated contact (which reads on column 3 lines 23-35).

Regarding claim 79, Williams et al. in view of McLaughlin et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a mobile electronic communication device is configured to receive messages of two or more types, wherein said means is configured to output light with modulation that depends on the received message's type and an age of the message received (which reads on column 1 lines 41-49).

Allowable Subject Matter

2. Claim 73 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 60-79 have been considered but are moot in view of the new ground(s) of rejection.


Art Unit: 2617

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Smith 
October 2, 2006


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER